

REMARKS

Amendment to the Specification

In response to the Office's objection in paragraph 2 of the Office Action, Applicant has amended the disclosure to correct a typographical error in paragraph 0020. This amendment is supported by the remainder of the disclosure and does not constitute new matter.

Claim 20 is Allowable

Applicant respectfully traverses the rejection of Claim 20 under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,654,458 to Saleh ("Saleh"), at paragraphs 3 and 4 of the Office Action.

None of the cited references, including Saleh, disclose or suggest the specific combination of Claim 20. Saleh fails to disclose or suggest a computer-readable medium having computer-readable data to receive a response from a software agent associated with a network device. In contrast to Claim 20, Saleh discloses converting a spoken command to a command that can be executed and confirmed by a central processing unit (CPU). (col. 6, ll. 32-47). Saleh does not disclose receiving a response from a software agent associated with a network device. Thus, Claim 20 is allowable.

Claims 1-8 are Allowable

Applicant respectfully traverses the rejection of Claims 1-8 under 35 U.S.C. § 103 as being unpatentable over US Patent Application Publication No. 2002/0025806 A1 by Gerber ("Gerber"), in view of US Patent No. 6,510,220 to Beckett, II *et al.* ("Beckett"), at paragraphs 5 and 6 of the Office Action.

No motivation exists to make the combination asserted by the Office. Gerber is directed to "...allowing subscribers of a communication network direct access to special subscriber management functions of the network management system by means of a mobile radio terminal via a WAP protocol." *See* Gerber, paragraph 0006. Beckett, on the other hand, is directed to a method of remotely monitoring the on-screen activities of a monitored computer workstation...." (col. 2, ll. 42-43). There is no motivation to make the combination asserted in the Office Action other than that provided by the Applicant's disclosure. The asserted combination is an impermissible hindsight reconstruction based on the Applicant's disclosure.

Moreover, none of the cited references, including Gerber and Beckett, disclose the specific combination of Claim 1. In contrast to Claim 1, Gerber discloses a control unit AU that identifies a subscriber by requesting a subscriber-specific code, such as a telephone number. *See* Gerber, paragraph 0042. The control unit AU of Gerber may also determine where subscriber information is maintained in a subscriber management database (SMDB). *See* Gerber, paragraph 0047. The control unit AU of Gerber does not include a format converter to translate at least a portion of a first signal representing network information into a second signal, as recited in Claim 1.

Beckett teaches a voice card mounted in a server. (col. 17, ll. 30-34). Beckett does not disclose using the voice card to convert a first signal representing network information into a second signal representing an audible sound, as in Claim 1. Rather, the voice hardware in Beckett is used for "live monitoring of an agent's extension at a remote (e.g. the supervisor/user's) extension, and/or allows for digital storage of the agent's telephone conversation...." (col. 15, ll. 23-26). Thus, any combination of Gerber and Beckett does not disclose or suggest at least one element of independent Claim 1.

Claims 2-8 depend from Claim 1, which Applicant has shown to be allowable. Thus, the asserted combination of Gerber and Beckett fails to disclose or suggest at least one element of each of the dependent claims 2-8, at least by virtue of their dependency from Claim 1.

Claims 9-10 are Allowable

Applicant respectfully traverses the rejection of Claims 9-10 under 35 U.S.C. § 103(a) as being unpatentable over Gerber and Beckett, and further in view of US Patent Application Publication No. 2002/0122541 A1 of Metcalf ("Metcalf"), at paragraph 7 of the Office Action.

Claims 9-10 depend from Claim 1, which Applicant has shown to be allowable. Thus, Claims 9 and 10 are also allowable, at least by virtue of their dependency from Claim 1.

Additionally, none of the cited references, including Gerber, Beckett and Metcalf, disclose the specific combination of Claim 9. In contrast to Claim 9, Metcalf does not teach a format converter operable to translate at least a second portion of the first signal representing network information into a third signal receivable by the access device type. Metcalf teaches translating a voice command into a signal that mimics a mouse or keyboard. *See* Metcalf, paragraph 0059. Metcalf does not teach a signal representing network information or a second and a third signal both translated from the first. Thus, any combination of Gerber, Beckett and Metcalf does not disclose or suggest at least one element of Claim 9.

Claim 10 depends from Claim 9, which Applicant has shown to be allowable. Thus, the asserted combination of Gerber, Beckett and Metcalf fails to disclose or suggest at least one element of Claim 10, at least by virtue of its dependency from Claim 9.

Claims 11-14 and 16-17 are Allowable

Applicant respectfully traverses the rejection of Claims 11-14, and claims 16-17, under 35 U.S.C. § 103(a) as being unpatentable over Gerber in view of Saleh, at paragraph 8 of the Office Action.

None of the cited references, including Gerber and Saleh, disclose the specific combination of Claim 11, particularly as amended. In contrast to Claim 11, Saleh does not teach recognizing that a party can receive audible information via a call and graphical information via a data connection. Rather, Saleh teaches receiving a spoken command via a telephone-based interface (supervisor application 40) that receives and executes spoken or touch-tone key commands and that may confirm execution of commands via an audible response to the caller (col. 5, ll. 1-22). Thus, any combination of Gerber and Saleh does not disclose or suggest at least one element of independent Claim 11.

Claims 12-14 and 16-17 depend from Claim 11, which Applicant has shown to be allowable. Thus, the asserted combination of Gerber and Saleh fails to disclose or suggest at least one element of Claims 12-14 and 16-17, at least by virtue of their dependency from Claim 11.

Claim 18 is Allowable

Applicant respectfully traverses the rejection of Claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Gerber and Saleh, as applied to Claim 11, and further in view of US Patent No. 6,490,350 to McDuff ("McDuff"), at paragraph 9 of the Office Action.

Claim 18 depends from Claim 11, which Applicant has shown to be allowable. Thus, Claim 18 is also allowable, at least by virtue of its dependency from Claim 11.

Additionally, none of the cited references, including Gerber, Saleh and McDuff, teach the specific combination of Claim 18. In contrast to Claim 18, McDuff does not teach initiating communication of information representing a graphical user interface to a party. Rather, McDuff teaches a server application that monitors resources in a call center and communicates statistics to a client application. The *client application* of McDuff uses the statistics to generate a graphical user interface based on the statistics (col. 1, ll. 35-42), whereas Claim 18 includes initiating communication of information representing a graphical user interface to a party.

Moreover, in contrast to Claim 18, McDuff does not disclose communicating graphical user interface information to a party to a call, from whom a spoken directive has been received. Instead, McDuff discloses communication of information from a server computer application to a client computer application. Thus, the combination of Gerber, Saleh and McDuff fails to disclose or suggest at least one element of Claim 18. For these additional reasons, Claim 18 is allowable.

Claims 15 and 19 are Allowable

Applicant respectfully traverses the rejection of Claims 15 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Gerber and Saleh, as applied to Claim 11, and further in view of Metcalf, at paragraph 10 of the Office Action.

Claim 15 depends from Claim 11, which Applicant has shown to be allowable. Thus, Claim 15 is also allowable, at least by virtue of its dependency from Claim 11.

Additionally, none of the cited references, including Gerber, Saleh and Metcalf, teach the specific combination of Claim 15, particularly as amended. In contrast to Claim 15, the Office has stated that Metcalf teaches “a system determining the type of telephony interface (access device type) used with each call and also making the content (information) available to the user of the system in a different manner.” (Office Action, p. 10). The Office has not asserted that Metcalf discloses, nor does Metcalf disclose, receiving a response from a monitored network device and converting a first portion of the response to audible information and a second portion of the response to graphical information. Additionally, Metcalf does not include routing the first portion to the party via the call and routing the second portion to the party via the data connection. Thus, the combination of Gerber, Saleh and Metcalf fails to disclose or suggest at least one element of Claim 15. For these additional reasons, Claim 15 is allowable.

Claim 19 depends from Claim 11, which Applicant has shown to be allowable. Thus, Claim 19 is also allowable, at least by virtue of its dependency from Claim 11.

In addition, none of the cited references, including Gerber, Saleh and Metcalf, teach the specific combination of Claim 19. In contrast to Claim 19, Metcalf teaches using a telephone interface to mimic the functions of a keyboard or mouse, for example, to communicate with a web server. (paragraphs 0083-0085). Metcalf does not teach converting a spoken directive received during a call into a request for information from a monitored network device. Moreover, Metcalf does not teach decoupling such a call from a network management engine, and receiving an additional directive originating from an input device coupled to a computing platform representing the network management engine. Thus, the combination of Gerber, Saleh and Metcalf fails to disclose or suggest at least one element of Claim 19. For these additional reasons, Claim 19 is allowable.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance and respectfully requests that the Examiner reconsider the application and issue a Notice of Allowance for all pending claims. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney or agent.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

12-05-2005
Date

Chad M. Herring
Chad M. Herring; Reg. No. 41,067
Attorney for Applicant(s)
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone)
(512) 327-5452 (fax)

DRAWING AMENDMENTS

FIG. 1 has been corrected to overcome the objections in paragraph 1 of the Office Action. Pursuant to the Examiner's request, the drawing has been corrected to remedy a typographical error within the reference number for the Network Management Engine 18. The reference number was mistakenly extended over two lines. A replacement sheet of FIG. 1 is provided, which Applicant believes to be in compliance with 37 CFR 1.84(c).